

DECLARATION

The UNDERSIDGNED, being first duly sworn, under the Penalty of Perjury, states of personal knowledge:

1. I am of sound mind and over 18.
2. I am a resident and citizen of the State of New York.
3. I am an officer of Shaker Heights Apartments Owner, LLC a defendant in the case styled as *City of Cleveland v. Shaker Heights Apartments Owner, LLC*. Case No. 2023-CVH-002772 in the Cleveland Municipal Court, Housing Division, Cuyahoga County, Ohio (the “State Court Action”).
4. In that capacity, I have direct and final control of the operations of properties owned by Shaker Heights Apartments Owner, LLC which include the properties known as 12500-12600 & 12701 Shaker Boulevard, Cleveland Ohio 4120, having permanent parcel numbers 129-01-001 & 129-12-010 and 129-12-009 (the “Property”).
5. Shaker Heights Apartments Owner, LLC is the only defendant in the State Court Action that holds title to the Property.
6. Shaker Heights Apartments Owner, LLC is the only defendant in the State Court Action that has direct control of the Property.
7. None of the other defendants in the State Court Action have an ownership interest in the Property or the ability to make final decisions concerning the management of the Property.
8. I can further verify in my capacity as an office of Shaker Heights Apartments Owner, LLC that Danielle Holifield aka Danielle Nickerson is employed by Shaker Heights Apartments Owner, LLC as a local property custodian for the Property.
9. She has no ownership interest in the Property or Shaker Heights Apartments Owner, LLC.
10. She does not have the authority to make any binding decisions for Shaker Heights Apartments Owner, LLC concerning the Property, nor to take any independent action on behalf Shaker Heights Apartments Owner, LLC, other than to perform the ministerial tasks in her job.
11. She does not have the power or ability to abate, or order the abatement of, alleged nuisance at the Property.
12. Her duties and authority are limited to ministerial tasks like processing leasing paperwork, taking tenant complaints and referring them to ownership, requesting minor on-site service, and answering telephone calls.
13. She is an hourly worker, and not a salaried manager.
14. The cost to conduct the abatement sought in the pending Complaint in the State Court Action, will exceed \$100,000.
15. The further damages, penalties, attorney fees, and other relief demanded in that Complaint will exceed an additional \$100,000.

16. The foregoing are statements of amount, only, and not admission of liability or responsibility for same.
17. As a member, representative, agent, or person authorized to speak on behalf of the following persons, firms or entities, I confirm they CONSENT to the removal of the State Court Action, from the Cleveland Municipal Court to the United States District Court for the Northern District of Ohio, Eastern Division, at Cleveland, to wit, Shaker Heights Apartments Owner, LLC; Shaker Heights Member, LLC; Michael Chetrit; E&M Management, LLC; Eli Weiss; Mordecai Weiss and Yaacov Amar.

**I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct to the best of my knowledge and belief.**



Yaacov Amar, Officer
Shaker Heights Apartments Owner, LLC

Date: 3/22/23